

## **DIVISION I: GENERAL AND ADMINISTRATIVE RULES**

### **CHAPTER 1 - GENERAL AND ADMINISTRATIVE RULES**

#### **RULE 1.0 PURPOSE OF RULES**

The purpose of these Rules, pursuant to California Rule of Court 991, is to provide the court, the public, and the bar with ready reference to the complete Local Rules of Court of the Superior Court of California, County of Alameda. *(Effective 5/19/98; Amended 7/1/99)*

#### **RULE 1.1 CITATION AND EFFECT OF RULES**

These Rules shall be known and cited as the “Local Rules” and shall at all times be supplementary to and subject to statutes, the California Rules of Court, and any rules adopted by the Judicial Council and shall be construed and applied so they do not conflict with such rules and statutes. These rules shall supersede all rules previously adopted by the superior and municipal courts of the County of Alameda, which are hereby repealed in their entirety as of the date these rules become effective. These rules shall have no retroactive effect or application. *(Effective 5/19/98; Amended 7/1/99)*

#### **RULE 1.2 CONSTRUCTION AND APPLICATION OF RULES**

These rules shall be construed to secure the efficient administration of the business of the courts and to promote and facilitate the administration of justice by the courts. Division, section, rule, and paragraph headings do not affect the scope, meaning, or intent of the provisions of these rules. If any part of a rule is held invalid, all valid parts that are severable from the invalid parts remain in effect. If a rule is held invalid in one or more of its applications, the rule remains in effect in all valid applications that are severable from the invalid applications. *(Effective 5/19/98; Amended 7/1/99)*

#### **RULE 1.3 EFFECTIVE DATE OF RULES**

These rules shall take effect May 19, 1998. *(Effective 5/19/98)*

#### **RULE 1.4 DEFINITIONS OF WORDS USED IN THESE RULES**

The definitions set forth in any rules adopted by the Judicial Council shall apply with equal force and for all purposes to these rules, unless the context or subject matter herein requires otherwise.

“County” means the County of Alameda, State of California.

“Court” means the Superior Court of California, County of Alameda, and shall include and apply to any judge, commissioner, or referee who is a duly appointed or elected member of this Court and to any judge who shall have been assigned by the Chairman of the Judicial Council to serve, and is serving, as a Judge of this Court, including any retired judge who is so assigned and is serving, and any attorney designated by the Presiding Judge as Judge Pro Tem.

“Rule” refers to a local rule of the Superior Court of California, County of Alameda, unless otherwise indicated.

“California Rules of Court” as used herein apply to and mean any rules heretofore and hereafter adopted by the Judicial Council of the State of California for the trial courts.

“Person” shall include and apply to corporations, firms, associations, and all other entities, as well as natural persons.

“Judgment” includes and applies to any judgment, and to any order or decree from which an appeal lies.

“Paper” includes all pleading, notices and other papers and documents.

“Clerk” shall mean the clerk and any deputy clerks of the Superior Court of California, County of Alameda.

“Answer” shall include response.

“Case management conference” refers to the assignment of cases in the manner described in Rule 4.1, et seq.

“Complaint” shall include cross-complaint and petition.

“Day” indicates a calendar day, unless otherwise specified.

“Defendant” shall include cross-defendant and respondent.

“Party,” or other designation of a party, shall include such party’s attorney of record.

“Plaintiff” shall include cross-complainant and petitioner.

"Northern Division" means the combined geographic limits of Alameda, Albany, Berkeley, Emeryville, Oakland, and Piedmont; served by the René C. Davidson Alameda County Courthouse.

"Southern Division" means the combined geographic limits of Hayward, San Leandro, Fremont, Newark, Union City, unincorporated areas of Ashland, Castro Valley, Cherryland, Fairview, San Lorenzo, and Washington Township; served by the Hayward Hall of Justice.

"Eastern Division" means the combined geographic limits of Dublin, Livermore, Pleasanton, unincorporated areas of Sunol, East to the San Joaquin County line, West to Schafer Ranch Road, North to the Contra Costa County Line, South to Andrade Road and Southeast to the Santa Clara County line; served by the Gale/Schenone Hall of Justice.

*(Effective 5/19/98; Amended 7/1/99)*

## **RULE 1.5 NEW, AMENDED, REPEALED RULES**

Subject to the requirements of section 575.1 of the Code of Civil Procedure and the California Rules of Court, rule 981, any rule which applies to all court locations may be amended or repealed, and new rules may be added by majority vote of the Executive Committee of the Court.

Rules which apply to a specific court location shall be included in the Appendix of these rules.

*(Effective 5/19/98; Amended 7/1/99)*

## **RULE 1.6 CUSTODY OF COURT FILES**

No papers on file in the office of the clerk shall be taken from the clerk's office, except by order of a judge or in response to a Subpoena Duces Tecum. *(Effective 5/19/98)*

## **RULE 1.7 RECORDS**

Nothing on file in any court shall be taken out of the clerk’s office unless it is going to a courtroom or chambers of a judge. *(Effective 5/19/98)*

## **RULE 1.8 FACSIMILE FILING AND ELECTRONIC FILING**

The Superior Court of California, County of Alameda hereby adopts Title 4, Division VI, Rules 2001 et seq. of the California Rules of Court, allowing for the facsimile filing of documents in Civil, Probate, and Family Law proceedings, except those specified in California Rules of Court, Rule 2002. Documents may be submitted by facsimile filing as follows:

**1. Agency Filing:** Pursuant to California Rules of Court, Rule 2005, a party may file all documents with the Court by using a fax filing agency.

**2. Direct Filing:** Pursuant to California Rules of Court, Rules 2006, 2007, 2008, and 2009, the following shall apply to direct fax filing:

**A.** Pursuant to California Rules of Court, Rules 2006 et. seq., a party may file documents with the Court by facsimile (*for the current fax number, please consult the court's web site: [www.co.alameda.ca.us/courts/index.shtml](http://www.co.alameda.ca.us/courts/index.shtml)*)

**B.** Documents may be faxed to the Court 24 hours a day, although filings received after 4 p.m. or on Court holidays or weekends shall be deemed filed on the next court business day.

**C.** The first sheet transmitted shall be the Judicial Council Facsimile Transmission Cover page (JC form number 2009) which shall include any special handling instructions and credit card type (Visa or MasterCard), account number, and expiration date of card. All filing fees shall be charged to the filing party's credit card account. Upon debit of the account, the transmission cover sheet shall be properly disposed of and not filed in the case.

**D.** Pursuant to California Rules of Court, Rule 2006, the court shall charge a fax usage fee of \$1 per page, including the cover sheet, regardless of the acceptance of filing in addition to any filing fees normally associated with the document.

**E.** Faxed documents must comply with all filing requirements otherwise listed in the California Rules of Court and Superior Court, County of Alameda, Local Rules of Court. The document to be filed with the Court shall include the word "BY FAX" below the title of the document.

**F.** If an attorney represents the party, the attorney shall also include his or her facsimile machine telephone number, designated as a "fax" number below the attorney's state bar number.

**G.** Conformed copies will be available via the court's web page if permitted by the California Rules of Court. Otherwise, a conformed copy of the filing will be returned via facsimile to the number provided unless otherwise requested.

**H.** Each attachment must be immediately preceded by a faxed insert “tab title page”, blank except for the title of the tab typed in the lower left-hand corner of the page. The facsimile usage fee of \$1.00 per page will be, also, assessed for each tab page.

**I.** The proper transmission of a document by facsimile machine is the responsibility of the filing party, not the Court.

**J.** If a document is rejected for filing, the clerk will fax a ‘Return Information Sheet’ after the document is reviewed, usually within two court days.

**K.** Pursuant to California Rules of Court, Rule 2006(f), an attorney or party who has established an account with the court before filing a paper by fax may use the account to pay for documents filed by fax. For information about establishing an account, please consult the Court’s website: [www.co.alameda.ca.us/courts/index.shtml](http://www.co.alameda.ca.us/courts/index.shtml)).

*(Effective 5/19/98; Amended 8/1/00, 7/1/03, and 1/01/04)*

## **RULE 1.9 FAILURE TO COMPLY WITH THESE RULES**

Failure to comply with these rules is punishable by contempt or other sanctions including, but not limited to, any sanctions provided for in these rules. *(Effective 5/19/98)*

## **RULE 1.10 COURT HOLIDAYS; HOURS OF JUDICIAL BUSINESS**

The Court observes all County and State holidays. On County holidays on which the Court is required by State law to be open for business, a judge will be assigned to be available to sign orders. At least one judge shall be available for emergency orders and writs at all times required on judicial days when the Court is not in session.

The Court will be open for judicial business from 9:00 a.m. until 5:00 on all court days. *(Effective 5/19/98; Amended 7/1/99; Amended 1/1/00)*

## **RULE 1.11 COMPOSITION OF JURY PANELS**

The Jury Commissioner shall create a county-wide master jury list of qualified jurors pursuant to the provisions of CCP Sections 197 and 198.

The master list shall be divided into five sub panels as follows: (CCP Section 198.5)

Oakland locations (René C. Davidson County Courthouse, Administration Building, Allen E. Broussard Justice Center, Wiley W. Manuel Courthouse): Residents of Albany, Berkeley, Emeryville, Oakland, and Piedmont.

Hayward Hall of Justice: Residents of Hayward, San Leandro, unincorporated areas of Ashland, Castro Valley, Cherryland, Fairview, and San Lorenzo.

George E. McDonald Hall of Justice: Residents of Alameda.

Fremont Hall of Justice: Residents of Fremont, Newark, Union City, unincorporated areas of Washington Township.

Gale/Schenone Hall of Justice: Residents of Dublin, Livermore, Pleasanton, unincorporated areas of Sunol, East to the San Joaquin County line, West to Schaefer Ranch Road, North to the Contra Costa County Line, South to Andrade Road and Southeast to the Santa Clara County line.

Jurors for felony trials and general jurisdiction civil trials shall be drawn from the master list. Jury panels for misdemeanor trials shall be drawn from the sub panel of residents from the area in which the charged offense occurred.

Jury panels for limited jurisdiction unlawful detainer cases shall be drawn from the sub panel of residents from the area in which the property is located or from the pool of jurors summoned to the courthouse to which the trial has been assigned. For all other limited jurisdiction civil cases, jurors shall be selected from the sub panel of jurors serving the location in which the trial is held, unless no such panel is available. In that case, jurors may be impaneled from the master list.

If the number of jurors in a sub panel should prove insufficient, the trial judge shall have the discretion to utilize available jurors drawn from the master list.

*(Effective 7/1/99; Amended 5/1/00; Amended 1/1/01; Amended 2/5/01)*

#### **RULE 1.12 JUDGES' VACATION DAY**

Vacations. Judges' vacation days and use are authorized consistent with CRC 6.603 (c)(2). A judge's vacation day is defined as follows:

"A day of vacation for a judge of the Superior Court of California, County of Alameda, is an approved absence from the Court for one full business day. Other absences from the Court listed in California Rule of Court 6.603(c)(2)(H) are excluded from this definition." *(Effective 07/01/01)*

#### **RULE 1.13 – UNIVERSAL FILING OF DOCUMENTS IN CIVIL, FAMILY LAW, AND PROBATE MATTERS**

Documents may be submitted for filing in the Clerk's Office at any of the following court locations:

- |                                       |                                       |
|---------------------------------------|---------------------------------------|
| 1. René C. Davidson County Courthouse | 5. Gale/Schenone Hall of Justice      |
| 2. Allen E. Broussard Justice Center  | 6. George E. McDonald Hall of Justice |
| 3. Berkeley Courthouse                | 7. Hayward Hall of Justice            |
| 4. Fremont Hall of Justice            |                                       |

*(Effective 01/01/04)*